

PLANNING COMMISSION MINUTES

Gardner, Kansas
Monday, May 29, 2007

The Planning Commission met in regular session on the above date at the Gardner City Hall, 120 E. Main Street, Gardner, Kansas.

I. Call to Order

Chairman Stephen Koranda called the meeting to order at 7:00 p.m. Commissioners present: Paul Kilgore, Greg Godwin, Eileen Mertz, Eric Schultz, Jason Burnett, and Dan Popp. Commissioners absent: none. Also present: Community Development Director Fred Sherman; Planner Amy Banks, City Council Member Thomas Breen; engineer Matthew Murphy of Landplan Engineering, P.A.; Randy Gowler of Gowler Consulting Services; Tom DeGregorio of Cimarron Homes; Phillip Feters of Harrison French & Associates, Ltd.; Jeff Wallace of Embarq; and Bob Fulton of Embarq.

II. Pledge of Allegiance

Chairman Koranda led the Pledge of Allegiance.

III. Approval of Minutes

The minutes of the May 14, 2007, meeting, were approved by unanimous consent.

IV. Agenda Items

1. SP-06-07

Consider a Site Plan for Moonlight Plaza Parking Lot, an improvement and expansion of an existing commercial parking lot located at 794 E. Main Street. The application is filed by Moonlight Plaza, L.L.C.; with engineering services provided by Gowler Consulting Services.

Director Sherman presented the staff report.

1. **APPLICANT:** The applicant is Jacobs Properties; with engineering services provided by Gowler Consulting Services.
2. **REQUESTED ACTION:** The applicant requests approval of a site plan for improvements and expansion of a commercial parking lot.
3. **LOCATION:** The property is located in the 700-800 block of Main Street, immediately south of the Moonlight Plaza shopping center.
4. **EXISTING ZONING:** The property is currently zoned C-2, General Business District.
5. **ANALYSIS:** The applicant requests approval of site plan for the expansion and improvements to the existing commercial parking lot for Moonlight Plaza.

Parking Improvements

The submitted site plan indicates improvements to the entire parking area south of the shopping center. These improvements include:

- the addition of approximately 70 parking spaces;
- a more efficient layout for handicap parking;
- a slight reduction in the width of the drive along the front of the shopping center and reconstruction and landscaping of the existing parking lot end-cap islands;
- additional landscaping on the islands at the ends of each parking row; and
- elimination of the grassy area currently being used as parking by off-road vehicles.

Additional engineering analysis will be needed at the time of submittal of construction plans regarding the condition of the existing storm water collection system and the proposed storm water improvements. The submitted plans denote that a new trench drain will be added to tie the storm water drainage for the western portion of the parking lot into the existing storm water system. Trench drains clog too easily and require constant maintenance.

6. **STAFF RECOMMENDATION:** Staff recommends approval of a site plan for the Moonlight Plaza Parking Lot (SP-06-07); subject to the following stipulations:
 - a) The development shall be in accordance with Exhibit "A" (Site Plan) which is filed in the office of the Planning Commission Secretary and which is incorporated by reference as if set out in full herein. In

addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.

- b) The addition of an additional curb inlet(s) for storm water to properly drain the parking area, tied into the existing storm system (assuming it is in good condition), subsequent to verification of the condition of the existing storm system.
- c) The entire parking lot shall be resurfaced and re-stripped at time of expansion.
- d) Construction plans must be sealed by a professional engineer.
- e) Spot elevations shall be added at the construction plan stage so that lot drainage can be checked.

Chairman Koranda invited questions from the commissioners. There were no questions.

Chairman Koranda invited comments from the applicant. Randy Gowler of Gowler Consulting Services confirmed the applicant's agreement with staff's recommended stipulations of approval.

Commissioner Mertz asked why staff was recommending approval of the site plan considering the staff report statement about trench drain problems. Director Sherman stated that the details of the storm water drainage system issues would be worked out by the applicant's engineers and City staff engineers during the construction plan review and approval process.

Commissioner Mertz asked if maintenance of the required and indicated landscaping would be enforced, considering the poor history of the current (non-existent) landscaping. Mr. Gowler explained that the initial landscaping maintenance had been problematic due to lack of irrigation, but the proposed landscaping plan incorporated installation of irrigation systems for all of the landscaped islands. He added that the proposed trench storm water drainage system would provide better direct access to the shallow existing storm drains under the subject area. Director Sherman briefly discussed the existing and future storm water drainage systems of the general area.

Commissioner Godwin expressed concerns regarding the traffic flow interface with the Walgreen's drive access on the southwest portion of the subject site. Director Sherman explained that Walgreen's access drive was actually located on the applicant's property and was designed and constructed to serve both Walgreen's and the applicant's parking lots.

Motion Mertz, second Godwin, to approve the Site Plan for the Moonlight Plaza Parking lot improvement and expansion (SP-06-07), located at 800 E. Main Street, subject to staff recommendations. Motion to Approve Carried: 7 to 0 Aye

2. SP-07-07

Consider a Site Plan for Sonic Drive-In, an exterior remodel of an existing commercial building located at 626 E. Main Street. The application is filed by Harrison French & Associates, Ltd., on behalf of Briley Sonics, property owner of record; with engineering services provided by Harrison French & Associates, Ltd.

Director Sherman presented the staff report.

1. **APPLICANT:** The applicant is Briley Sonics, the business owner of record, with architectural services provide by Harrison French & Associates.
2. **REQUESTED ACTION:** The applicant requests site plan approval for remodeling of a commercial development.
3. **LOCATION:** The property is located at 626 E. Main Street.
4. **EXISTING ZONING:** This property is currently zoned C-3, Commercial District.

5. **ANALYSIS:** The applicant requests site plan approval to remodel a Sonic Drive-In restaurant. The site plan shows the remodeling of the exterior of the existing building and canopies to update the site to a new corporate format. The Sonic Drive-In facility was first constructed on this location in 1988. The building was remodeled in 1998 to add the round canopies and red spiral cones to the front of the building, picture wall signs to the side of the building, and the exposed neon along the edge of all canopies.

A site plan was approved in April of 2005 (SP-02-05) for the expansion of the site to the west on an adjacent property. A new service canopy bay and additional on-site employee parking were constructed in the adjacent parcel.

Old vs. New

This submitted plan proposes to eliminate the exposed neon bands along all of the canopies, as well as remove the spiral red cones at the front of the building. A new arched canopy topped with an aluminum clad tower element, with two new Sonic-logo signs, is proposed to be constructed over the outdoor eating area at the front of the building. The edges of all existing flat service canopies will be finished with a metallic bullnose fascia with L.E.D. reveals "stall stars" accents. New L.E.D. reader signs are also proposed to be added over the front (south) windows of the building. The existing wall parapets will be extended on all sides of the building, using materials similar to the existing materials on the front and sides of the building, with vinyl material on the back of the building. The extensions of the parapets will provide needed screening for the existing roof-top mechanical equipment.

The Sonic Drive-In located at 1265 E. 119th Street (southwest corner of 119th Street and Ridgeview Road) in Olathe has been updated with a similar building and signage scheme.

Signage

Currently, this site contains a free standing pole sign with a reader board, in addition to some on-site directional signs and wall mounted picture boards on the east and west sides of the building. The picture boards were added to the building with the 1998 updates to the site and building.

The existing free standing pole sign is a legal non-conforming sign. Though it does not conform to the current adopted sign code standards for height and size, it did conform to signage standards at the time it was constructed. The current sign does allow up to three separate signs on a building, or two signs plus a detached on-site sign. Staff has discussed with the applicant the potential of eliminating the existing pole sign with the addition of the new arched element on top of the new arched front canopy. The applicant has indicated that the existing pole sign is currently in a lease situation with a few years remaining on the lease, and they would be willing to consider the removal of the pole sign when the lease expires.

6. **STAFF RECOMMENDATION:** Though the proposed signage package does conform to the general spirit of the adopted sign code, some modifications and/or changes should be considered with this site plan application. While the sign elements on the existing and proposed building elevations exceeds the technical requirements of the adopted sign code, some of the proposed improvements are simply updates to sign elements that were allowed to be added to the building in 1998, before there was a formal site plan approval process before the Planning Commission. The two new L.E.D. reader signs proposed over the front (south) windows should not be allowed, because they are new signage elements to the existing building. Replacement of the picture boards on the east and west sides of the building (note #15 on the plan) should be allowed as part of this site plan approval. The new arched tower element could be viewed as a replacement for the existing pole sign, even though the adopted sign code does allow for two signs on the building and one free standing sign. A new detached monument sign that conforms to the adopted sign code provision should be allowed in the future, when the non-conforming pole sign is removed.

Staff recommends that the Planning Commission approve the Site Plan for the Sonic Drive-In Retrofit (SP-07-07), with the following stipulations:

- a. The development shall be in accordance with Exhibit "A" (Site Plan) and Exhibit "B" (Building Elevations), with the elimination of the two L.E.D. reader signs above the front windows (note #31), which are filed in the office of the Planning Commission Secretary and which are incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.
- b. The construction of the arched tower element (note #3) shall be permitted concurrently or subsequent to the removal of the existing free-standing pole sign on the site.

Chairman Koranda invited questions from the commissioners. There were no questions.

Chairman Koranda invited comments from the applicant. Phillip Feters of Harrison French and Associates, Ltd., engineer for the applicant, gave a presentation. He explained that the existing pole sign was on a ten year lease through 2008 (approximately).

Commissioner Kilgore asked for explanation of the LED reader signs indicated over the windows on the proposed plan. Director Sherman explained that, though staff had no objections to those signs and the current sign codes did not specifically address them, they were new elements to the site design that did not exist on the existing building. Mr. Feters stated that the LED reader signs would not be running or flashing ads, and the

applicant would place them in the windows if the City requested. He added that there was also an "OPEN" LED sign at the front of the canopy.

Commissioner Mertz, Mr. Feters, and Director Sherman discussed the timing, appearance, and location of a future monument sign.

Commissioner Mertz suggested that the pole sign should be removed when the proposed canopy was put in place, regardless of the lease situation, since the new canopy would have the company name and logo on it. Mr. Feters stated that he would convey the commission's statements and suggestions to the applicant. He also briefly described the design and construction of the proposed canopy and the sign that would be attached to it.

Chairman Koranda asked how long the remodeling would take. Mr. Feters stated that construction would take approximately one week, and the applicant would wait until fall to begin.

The commissioners and Director Sherman discussed the existing pole sign and the future monument sign.

Motion Mertz, second Schultz, to approve the Site Plan for the Sonic Drive-In exterior remodel (SP-07-07), located at 626 E. Main Street, subject to staff recommendations, with a revision of Condition of Approval B and one additional condition of approval:

- a. The development shall be in accordance with Exhibit "A" (Site Plan) and Exhibit "B" (Building Elevations), with the elimination of the two L.E.D. reader signs above the front windows (note #31), which are filed in the office of the Planning Commission Secretary and which are incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.
- b. The construction of the signage on the arched tower element (note #3) shall be permitted subsequent to the removal of the existing free-standing pole sign on the site.
- c. The existing free-standing pole sign must be removed at the end of its current lease period, or no later than December 31, 2008.

Motion to Approve Carried: 7 to 0 Aye

3. PDP-07-01

Conduct a public hearing and consider a revised preliminary development plan, associated with rezoning request Z-05-09, for a .77 acre property located on the southeast corner of the Center Street and Kane Street intersection. The application is filed by Cimarron Homes, L.L.C.; with engineering services provided by Allenbrand-Drews & Associates, Inc.

Chairman Koranda opened the public hearing at 7:55 p.m.

Director Sherman presented the staff report.

1. **APPLICANT:** The applicant is Cimarron Homes, L.L.C.; with engineering services provided by Allenbrand-Drews & Associates, Inc.
2. **REQUESTED ACTION:** The applicant requests approval of a revised preliminary development plan for a multi-family residential development.
3. **LOCATION:** The property is located on the southeast corner of the Center Street and Kane Street intersection.
4. **EXISTING ZONING:** This property is currently zoned RP-3, Planned Garden Apartment District (Z-05-09).

5. **ANALYSIS:** The applicant requests approval of a revised preliminary development plan for Kane Street Village. The plan includes two duplex buildings for a total of four multi-family units.
Site Design – Building Elevations
The current plan approved for this site features a two story eight-plex apartment building that faces Center Street. Parking is provided behind the building to the east. The building effectively screens most of the parking area and orients its most interesting elevation toward Center Street.
The submitted plan revision replaces the single apartment building with two duplex buildings that take access from Kane Street on the north side of the property. This layout is similar to the existing duplex units further to the east, also on the south side of Kane Street.
The elevations submitted with this revised preliminary development plan show mirrored duplex units that incorporate some masonry materials at the base of the buildings. The submitted elevations are only for the front of the buildings. However, there were some building perspectives also submitted that indicate that the masonry materials will wrap to the side elevations as well. While building elevations are approved with the final development plan, they are important to the discussion of the site layout proposed by this preliminary development plan and should be considered.
6. **STAFF RECOMMENDATION:** If the Planning Commission feels that the requested changes to the proposed site layout are acceptable, then staff recommends that the Planning Commission forward the revised Preliminary Development Plan for Kane Street Village (FDP-07-01) to the City Council, with a recommendation for approval, subject to the following conditions:
 - a. The development shall be in accordance with Exhibit “A” (Preliminary Development Plan) which is filed in the office of the Planning Commission Secretary and which is incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.
 - b. Prior to submittal of construction plans, a final development plan shall be approved for this property.

Chairman Koranda invited comments from the applicant. Tom DeGregorio of Cimarron Homes, L.L.C., gave a brief presentation.

Chairman Koranda invited comments from the public. There were no public comments.

Motion Burnett, second Kilgore, to close the public hearing at 8:00 p.m.

Motion Carried: 7 to 0 Aye

Chairman Koranda invited comments from the commissioners.

Chairman Koranda suggested that the masonry elements should wrap around to the west and south sides of the buildings. He added that additional landscaping on the south (rear) sides of the buildings would also help to screen them from Center Street.

Commissioner Mertz agreed that the masonry elements should wrap to the west and south sides of the buildings, and added that they should cover at least twenty-five percent of those elevations.

Commissioner Godwin suggested that the buildings should be oriented toward Center Street.

The commissioners discussed the elevations and the building setbacks.

Motion Kilgore, second Burnett, to table the Preliminary Development Plan for Kane Street Village (PDP-07-01), located on the southeast corner of the Center Street and Kane Street intersection, to the June 11, 2007, Planning Commission meeting.

Motion to Table Carried: 7 to 0 Aye

4. Z-07-04

Conduct a public hearing and consider rezoning property from C-2 (General Business District) and M-2 (General Industry District) to C-2 (General Business District) for a 1.76 acre property located at 619 and 625 E. Main Street. The

application is filed by K&N Pizza Huts, Inc.; with engineering services provided by Landplan Engineering.

Chairman Koranda opened the public hearing at 8:20 p.m.

Director Sherman presented the staff report.

1. **APPLICANT:** The applicant is David Curnutt on behalf of K&N Pizza Hut, Inc.; with engineering services provided by LandPlan Engineering, P.A.
2. **REQUESTED ACTION:** The applicant requests rezoning from C-2, General Business District, and M-2, General Industrial District, to C-2, General Business District.
3. **LOCATION:** The 1.76 acre property is located 1/3 mile west of Moonlight Road on the south side of Main Street.
4. **EXISTING ZONING:** This property is currently zoned C-2, General Business District, and M-2, General Industry District.
5. **CHARACTER OF THE NEIGHBORHOOD:** The land immediately surrounding the subject property is characterized by commercial uses to the west, north, and east, with unincorporated agricultural uses across the railroad to the south. The Development Plan Map indicates that this property should be reserved for commercial uses.
6. **LAND USE AND ZONING PATTERNS:** The surrounding zonings are C-2, General Business District, to the west, immediate north, and east; and Johnson County zoning RUR - Rural, with agricultural uses to the south.
7. **CONFORMANCE TO THE COMMUNITY DEVELOPMENT PLAN:** The Gardner Community Development Plan - 2003 indicates commercial land uses for this property. The request for C-2 zoning conforms to the land uses as shown on the Community Development Plan Map.
8. **STAFF ANALYSIS OF THE APPLICATION:** At the May 14, 2007, Planning Commission meeting, a final plat was approved for this property (FP-05-18) and a site plan was approved for an addition and remodel to the building on the western portion of this property (SP-07-05). A site plan for the eastern portion of the property (SP-07-10) has been submitted for consideration at the June 11, 2007, meeting, pending the approval of this rezoning request.
9. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission forward the request to rezone the K&N Pizza Hut, Inc., Property, 1.76 acres of land located 1/3 mile west of Moonlight Road on the south side of Main Street, from C-2, General Business District, and M-2, General Industry District, to C-2, General Business District, (Z-07-04) to the Governing Body with a recommendation for approval, with no stipulations.

Chairman Koranda invited comments from the applicant. Matt Murphy of Landplan Engineering, P.A., gave a brief presentation.

Chairman Koranda invited comments from the public. There were no public comments.

Chairman Koranda invited questions from the commissioners. There were no questions from the commissioners.

Motion Schultz, second Mertz, to close the public hearing at 8:23 p.m.

Motion Carried: 7 to 0 Aye

Motion Mertz, second Godwin, to forward the Rezoning Request for the K&N Pizza Hut, Inc., property (Z-07-04), located at 619 and 625 E. Main Street, to the City Council with a recommendation for approval, with no stipulations.

Motion to Forward Carried: 7 to 0 Aye

5. CUP-07-02

Conduct a public hearing and consider a Conditional Use Permit to allow the construction of a telephone equipment site in an R-1 zoning district located at 16670 Kill Creek Road. The application is filed by Embarq; with engineering services provided by Allenbrand-Drews & Associates, Inc.

Chairman Koranda opened the public hearing at 8:25 p.m.

Director Sherman presented the staff report.

1. **APPLICANT:** The applicant is Embarq, on behalf of Johnson County Land Holdings, owner of record.

2. **REQUESTED ACTION:** The applicant requests approval of a Conditional Use Permit to construct and operate a public utility equipment site.
3. **LOCATION:** The property is located on the northwest corner of the intersection of W. 167th Street and Kill Creek Road in Symphony Farms subdivision, and is addressed as 16670 Kill Creek Road.
4. **EXISTING ZONING:** The property is currently zoned R-1, Single Family Residential District.
5. **EXISTING CONDITIONS:** The subject site, 400 square feet in area, is located on Lot 1, Symphony Farms III (FP-06-17).
6. **NEIGHBORHOOD CHARACTERISTICS:** The subject site is located in an area that is beginning to develop with low-density residential land uses. To the immediate east and west are single-family detached houses on 1+ acre sites that take access from W. 167th Street, and a detention pond (to the west). To the immediate north are single family residences under construction that are part of the Symphony Farms subdivision. To the immediate south of the subject site is undeveloped agricultural land designated by the Community Development Plan Future Land Use Map for residential use.
7. **CONFORMANCE TO THE COMMUNITY DEVELOPMENT PLAN:** The Community Development Plan designates this immediate area for residential land uses. The proposed use is in conformance with the Community Development Plan.
8. **ANALYSIS OF CUP APPLICATION:** The applicant requests approval of a conditional use permit to allow the construction and operation of a public utility equipment site in an area zoned R-1, Single Family Residential District. Section 16-503.3.D of the Gardner Zoning Regulations allows Telephone Exchanges, Electric Substations or Other Similar Public Utilities in the R-1 district with the approval of a Conditional Use Permit.
The submitted plan indicates that four different utility cabinets will be constructed on the subject site, with the largest to be approximately eight feet long, four feet wide, and approximately six feet high (8x4x6).
The structure is proposed to be located on an open space tract of land behind or west of the existing neighborhood barn facility for the Symphony Farms subdivision. This site is north of a tract of land that the City of Gardner has purchased at the northwest corner of 167th Street and Kill Creek Road for the future development of a Public Safety facility.
There are a few existing pine and deciduous trees along the north property line of the adjacent property to the west. A conceptual landscape scheme is noted on the submitted site plan. This landscaping plan will probably need to be modified to coordinate with the landscaping plan approved with the site plan for the Symphony Farm neighborhood pool and cabana facility (SP-07-06), and to provide screening from the property to the west and the developing single-family homes to the north.
Also, the submitted site plan does not denote any off-street parking for this facility. If an off-street parking area and access drive are to be provided for this facility, they will need to be paved to City standards for residential driveways, with access preferably from the neighborhood pool parking lot. The electrical service to this facility should be underground.
9. **STAFF RECOMMENDATION:** Staff recommends approval of a Conditional Use Permit for an Embarq telephone service equipment site (CUP-07-02) for an indefinite period of time; subject to the following conditions:
 - a. The applicant shall obtain a building permit prior to installation.
 - b. The applicant shall submit a revised landscape plan for staff approval. The applicant shall maintain approved landscaping.
 - c. Electrical service to this facility shall be underground.

Chairman Koranda asked if off-street parking would be needed for the utility crews accessing the site, and where that parking would be located. Director Sherman stated that none was indicated with the site plan.

Chairman Koranda invited comments from the applicant. Jeff Wallace of Embarq stated that the site would not require off-street parking. He explained that the utility crews would park on W. 166th Street and walk to the site via utility easements across the residential lots of Symphony Farms. He presented a photo example of the proposed landscaping. (Exhibit A)

Chairman Koranda invited comments from the public. There were no public comments.

Motion Schultz, second Popp, to close the public hearing at 8:32 p.m.

Motion Carried: 7 to 0 Aye

Chairman Koranda invited comments from the commissioners.

Commissioner Mertz stated that all four sides of the equipment site should be screened by landscaping, not just the south and east sides as indicated on the site plan.

Commissioner Schultz asked if the equipment cabinets could be a color that would blend into the surrounding landscaping, rather than the white color indicated with the site plan. Mr. Wallace stated that Embarq had no control over the color of the equipment cabinets, because the vendors only provided basic white or cream colored cabinets.

Motion Godwin, second Burnett, to forward the request for a Conditional Use Permit to allow the construction and operation of a public utility equipment site in a residential district (CUP-07-02) to the City Council with a recommendation for approval, subject to staff recommendations. Motion to Forward Carried: 7 to 0 Aye

The commissioners clarified that the revised landscape plan to be submitted for staff approval (Condition of Approval B) should encompass all four sides of the site, and be similar to Exhibit A as submitted by the applicant.

V. Election of Officers

Elect Chairman and Vice-Chairman of Planning Commission for 2007-2008 term.

Chairman Koranda opened the nominations for Chairman and Vice-Chairman of the Planning Commission for the 2007-2008 term.

Motion Mertz, second Kilgore, to nominate Stephen Koranda for Chairman and Greg Godwin for Vice-Chairman of the Planning Commission.

Motion carried: 5-0 Aye (Koranda, Godwin: Abstain)

Chairman Koranda asked for other nominations. There were no further nominations.

Motion Mertz, second Kilgore, to elect Stephen Koranda as Planning Commission Chairman and Greg Godwin as Planning Commission Vice-Chairman for the 2007-2008 term.

Motion carried: 5-0 Aye (Koranda, Godwin: Abstain)

Director Sherman introduced the new planner, Amy Banks, to the commissioners.

VI. Adjourn

Motion Kilgore, second Burnett, to adjourn the meeting at 8:52 p.m.

Motion to Adjourn Carried: 7 to 0 Aye

Exhibit A



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